

Judge Leighton

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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROY ALLOWAY,

Defendant.

NO. CR11-5233RBL

INFORMATION

The United States Attorney charges that:

**COUNT 1**

**(Unlawful Dealing in Firearms)**

1. Beginning at a time unknown, but within the last five years, and continuing until on or about November 15, 2010, within the Western District of Washington, and elsewhere, ROY ALLOWAY did willfully engage in the business of dealing firearms without a license.

**Object of the Offense**

2. The object of the offense was to purchase and resell firearms for a profit, while avoiding the record keeping, reporting, and other requirements imposed on a Federal Firearms Licensee.

**Manner and Means in the Commission of the Offense**

At all times material to this Indictment, ROY ALLOWAY used the following manner and means to commit this offense.

3. ROY ALLOWAY would engage in the business of dealing firearms, that is, he purchased, received, transported, sold, and delivered numerous firearms without being properly licensed to do so.

4. The primary locations at which the Defendant unlawfully engaged in the business of dealing firearms were various gun shows within the Western District of Washington, where he displayed, advertised, and sold firearms from his inventory.

5. ROY ALLOWAY would purchase firearms from Federal Firearms Licensees (FFLs) and private individuals in the area with the intent to resell the firearms to others for a profit. His acquisition of firearms included approximately 224 handguns he has purchased from an FFL in Tacoma, Washington, and an FFL in Bremerton, Washington, between January 2005 and November 2010. He also purchased approximately 163 firearms between November 2006 and May 2010 from an FFL in Shelton, Washington.

6. The Defendant engaged in the business of dealing firearms without complying with the requirements imposed on FFLs. For example, the Defendant did not have purchasers fill out ATF form 4473, which allows law enforcement agencies to trace the ownership of a particular firearm.

**Acts During the Commission of the Offense**

At all times material to this Indictment, ROY ALLOWAY committed the following acts, among others, during the commission of this offense.

7. On or about July 18, 2009, ROY ALLOWAY attended a gun show in Centralia, Washington, where he displayed numerous handguns and rifles for sale. While at the gun show, ALLOWAY sold one Springfield Armory, model XD, .45 caliber semi-automatic pistol and one Walther, model P22, .22 caliber semiautomatic pistol for a total

1 of \$775.00 to an undercover agent from the Bureau of Alcohol, Tobacco and Firearms  
2 (ATF).

3 8. On October 24, 2009, ROY ALLOWAY attended a gun show in Puyallup,  
4 Washington, where he displayed multiple handguns and rifles for sale. While at the gun  
5 show, ALLOWAY sold a Glock handgun for \$550.00 to an undercover ATF agent.

6 9. On or about November 14, 2009, ROY ALLOWAY attended a gun show in  
7 Puyallup, Washington, where he displayed multiple firearms for sale. While at the gun  
8 show, ALLOWAY sold one Keltec, model PLR-16, 5.56/.223 caliber handgun for  
9 \$550.00 to an undercover ATF agent.

10 All in violation of Title 18, United States Code, Sections 922(a)(1)(A).

11 **COUNT 2**

12 **(False Income Tax Return)**

13 On or about March 8, 2010, ROY ALLOWAY, at Port Orchard, within the  
14 Western District of Washington, did willfully make, subscribe and file with the Internal  
15 Revenue Center a U.S. Individual Income Tax Return (Form 1040) for the calendar year  
16 2009 which was verified by a written declaration that it was made under the penalties of  
17 perjury, and which ROY ALLOWAY did not believe to be true and correct as to every  
18 material matter, in that, in reporting his total income on the Income Tax Return, ROY  
19 ALLOWAY willfully excluded income that he had received from the sale of firearms.  
20 The omission of said income was material to the determination of income tax due and  
21 owing.

22 All in violation of Title 26, United States Code, Section 7206(1).

23 **ASSET FORFEITURE ALLEGATION**

24 The allegations in Count 1 of the Information are hereby realleged  
25 and incorporated herein by reference for the purpose of alleging forfeiture to the  
26 United States pursuant to Title 18, United States Code, Section 924(d) and Title 28,  
27 United States Code, Section 2461(c).  
28

1 Upon conviction of the offenses in violation of Title 18, United States Code,  
2 Section 922, the Defendant, ROY ALLOWAY shall forfeit to the United States pursuant  
3 to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section  
4 2461(c), any firearms and ammunition involved in the commission of the offense,  
5 including, but not limited to the following:

6 1. All firearms and ammunition acquired, possessed, and distributed during  
7 the commission of the offenses; and

8 2. All firearms and ammunition seized from the Defendant's residence on  
9 November 18, 2010.

#### 10 SUBSTITUTE ASSETS

11 If any of the above-described forfeitable property, as a result of any act or  
12 omission of the Defendant –

- 13 a. cannot be located upon the exercise of due diligence;
- 14 b. has been transferred or sold to, or deposited with, a third party;
- 15 c. has been placed beyond the jurisdiction of the Court;
- 16 d. has been substantially diminished in value; or
- 17 e. has been commingled with other property which cannot

18 be subdivided without difficulty, it is the intent of the United States, pursuant to Title 21,  
19 United States Code, Section 853(p), to seek the forfeiture of any other property of the

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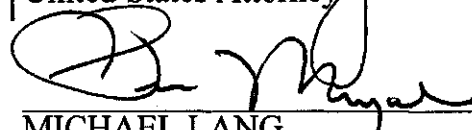
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1 Defendants up to the value of the above-described forfeitable properties.

2 DATED this 11<sup>th</sup> day of October, 2011.

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4   
5 JENNY A. DURKAN  
6 United States Attorney

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8 MICHAEL LANG  
9 Assistant United States Attorney

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11 BRUCE F. MIYAKE  
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